

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SINCLAIR PHARMA LIMITED, SINCLAIR PHARMA US, INC., VIORA,  
INC., EMA AESTHETICS, LTD., AND AESTHETIC MANAGEMENT  
PARTNERS, LLC AND AESTHETIC MANAGEMENT PARTNERS, INC,  
Petitioners,

v.

HYDRAFACIAL LLC,  
Patent Owner.

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Case No. IPR2025-00145  
Patent No. 11,865,287

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**PETITIONERS' REPLY IN SUPPORT OF REQUEST FOR REHEARING**

## **LISTING OF EXHIBITS**

| <b>Exhibit</b> | <b>Description</b>                                                                                                                                                                                    |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1001           | U.S. Pat. No. 11,865,287 to Ignon (“the ’287 patent”)                                                                                                                                                 |
| 1002           | Excerpts from the Prosecution History of the ’287 patent (“the Prosecution History”)                                                                                                                  |
| 1003           | Declaration of Mr. Eric Simon                                                                                                                                                                         |
| 1004           | U.S. Patent Publication No. 2003/0212415 (“Karasiuk”)                                                                                                                                                 |
| 1005           | U.S. Patent No. 5,199,604 (“Palmer”)                                                                                                                                                                  |
| 1006           | U.S. Patent Publication No. 2003/0093089 (“Greenberg”)                                                                                                                                                |
| 1007           | U.S. Patent No. 6,390,815 (“Pond”)                                                                                                                                                                    |
| 1008           | U.S. Patent No. 6,684,880 (“Trueba”)                                                                                                                                                                  |
| 1009           | U.S. Patent No. 4,512,764 (“Wunsch 1982”)                                                                                                                                                             |
| 1010           | U.S. Patent Publication No. 2003/0018252 (“Duchon”)                                                                                                                                                   |
| 1011           | U.S. Patent No. 4,215,476 (“Armstrong”)                                                                                                                                                               |
| 1012           | Friedman, et al., Chemical peels, dermabrasion, and laser therapy, Disease-a-Month 55.4 (2009): 223-235 (“Friedman”)                                                                                  |
| 1013           | Burgess, Cheryl M., Cosmetic dermatology, Heidelberg, Germany: Springer, 2005 (“Burgess”)                                                                                                             |
| 1014           | Pickering, J. A., Touch-sensitive screens: the technologies and their application, International Journal of Man-Machine Studies 25.3 (1986): 249-269 (“Pickering”)                                    |
| 1015           | Friedman, Mark J. et al., The AMSA injection: A new concept for local anesthesia of maxillary teeth using a computer-controlled injection system. Quintessence Int 29 (1998): 297-3 (“Friedman 1998”) |
| 1016           | Lee, Woan-Ruoh, et al., Lasers and microdermabrasion enhance and control topical delivery of vitamin C, Journal of investigative dermatology 121.5 (2003): 1118-1125 (“Lee”)                          |
| 1017           | U.S. Patent No. 9,550,052 (“the ’052 patent”)                                                                                                                                                         |
| 1018           | U.S. Patent No. 11,446,477 (“the ’477 patent”)                                                                                                                                                        |
| 1019           | U.S. Patent No. 6,428,518 (“Brenge”)                                                                                                                                                                  |
| 1020           | U.S. Patent No. 4,559,036 (“Wunsch”)                                                                                                                                                                  |

| Exhibit | Description                                                                                                                                                                                                                                                                                                                        |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1021    | U.S. Patent No. 6,099,511 (“Devos”)                                                                                                                                                                                                                                                                                                |
| 1022    | U.S. Patent No. 5,163,902 (“Lynn”)                                                                                                                                                                                                                                                                                                 |
| 1023    | U.S. Patent No. 5,190,525 (“Oswald”)                                                                                                                                                                                                                                                                                               |
| 1024    | U.S. Patent No. 6,673,082 (“Mallett”)                                                                                                                                                                                                                                                                                              |
| 1025    | Rajan, Poonam, et al., Skin barrier changes induced by aluminum oxide and sodium chloride microdermabrasion, <i>Dermatologic surgery</i> 28.5 (2002): 390-393 (“Rajan”)                                                                                                                                                            |
| 1026    | Karimipour, Darius J., et al., Molecular analysis of aggressive microdermabrasion in photoaged skin, <i>Archives of dermatology</i> 145.10 (2009): 1114-1122 (“Karimipour”)                                                                                                                                                        |
| 1027    | U.S. Patent No. 6,241,739 (“Waldron”)                                                                                                                                                                                                                                                                                              |
| 1028    | Declaration of Harold Walbrink                                                                                                                                                                                                                                                                                                     |
| 1029    | BeautyHealth 2024 Annual Report to Stockholders                                                                                                                                                                                                                                                                                    |
| 1030    | Declaration of Dr. Mary K. Bolin [ <b>SUPPLEMENTAL EVIDENCE-NOT FILED</b> ]                                                                                                                                                                                                                                                        |
| 1031    | Deposition Exhibit 1031 from Deposition of Karl R. Leinsing (December 4, 2025) – Timeline                                                                                                                                                                                                                                          |
| 1032    | Deposition Exhibit 1032 from Deposition of Karl R. Leinsing (December 4, 2025) – Leinsing Deposition Preparation Notes                                                                                                                                                                                                             |
| 1033    | Deposition Exhibit 1032 from Deposition of Karl R. Leinsing (December 4, 2025) – U.S. Patent No. 5,971,999                                                                                                                                                                                                                         |
| 1034    | Deposition Exhibit 1034 from Deposition of Karl R. Leinsing (December 4, 2025) – HydraFacial advertisement                                                                                                                                                                                                                         |
| 1035    | <i>emed, Incorporated’s SilkPeel DermalInfusion System Redefines Skin Resurfacing With a Precise, Gentle Touch</i> , PR Newswire (Feb. 6, 2004), <a href="https://dialog.proquest.com/professional/docview/446832110?accountid=153692">https://dialog.proquest.com/professional/docview/446832110?accountid=153692</a>             |
| 1036    | <i>About SilkPeel</i> , eMed (June 3, 2004), <a href="https://web.archive.org/web/20040603023325/http://www.4emed.com/emed-aboutsilksilkpeel.htm">https://web.archive.org/web/20040603023325/http://www.4emed.com/emed-aboutsilksilkpeel.htm</a>                                                                                   |
| 1037    | <i>Product Profiles</i> , Aesthetic Buyers Guide dated Jan./Feb. 2005 (Mar. 21, 2006), <a href="https://web.archive.org/web/20060321090753/http://www.silkpeel.com/forms/ABG%20Prod%20Prof%20spot%20Feb-05.pdf">https://web.archive.org/web/20060321090753/http://www.silkpeel.com/forms/ABG%20Prod%20Prof%20spot%20Feb-05.pdf</a> |

| Exhibit | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1038    | <i>SilkPeel Advertisement</i> , SilkPeel (Mar. 21, 2006), <a href="https://web.archive.org/web/20060321090800/http://www.silkpeel.com/pdf/silkpeelpr1.pdf">https://web.archive.org/web/20060321090800/http://www.silkpeel.com/pdf/silkpeelpr1.pdf</a>                                                                                                                                                                                                                                                                         |
| 1039    | Operator's Manual SilkPeel® MD Platinum, ©2009                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 1040    | <i>Allergan Acquires Envy Medical, Inc., Adding Skin Resurfacing Dermalinfusion System to Best-in-Class Medical Aesthetics Portfolio</i> , PR Newswire (Mar. 26, 2019), <a href="https://news.abbvie.com/2019-03-26-Allergan-Acquires-Envy-Medical,-Inc,-Adding-Skin-Resurfacing-Dermalinfusion-System-to-Best-in-Class-Medical-Aesthetics-Portfolio">https://news.abbvie.com/2019-03-26-Allergan-Acquires-Envy-Medical,-Inc,-Adding-Skin-Resurfacing-Dermalinfusion-System-to-Best-in-Class-Medical-Aesthetics-Portfolio</a> |
| 1041    | Declaration of David W. Carraway                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 1042    | Declaration of Dr. Folkers E. Rojas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 1043    | Curriculum vitae of Dr. Folkers E. Rojas, PE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 1044    | Transcript of Deposition of Karl R. Leinsing (December 4, 2025)<br>[CONFIDENTIAL]                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1045    | <i>U.S. Beauty and Personal Care Products Market Report (2025-2030)</i> , Grand View Research, <a href="https://www.grandviewresearch.com/industry-analysis/us-beauty-personal-care-products-market-report">https://www.grandviewresearch.com/industry-analysis/us-beauty-personal-care-products-market-report</a> (last visited Dec. 3, 2025)                                                                                                                                                                                |
| 1046    | <i>Global Cosmetics Market Report</i> , Statista (Dec. 2025), <a href="https://www.statista.com/topics/3137/cosmetics-industry/?srsltid=AfmBOop17CDSHx4LHfRTIk5ufHiDd4g7t2GtMQ9rt8VXrSkzmvkGzT80">https://www.statista.com/topics/3137/cosmetics-industry/?srsltid=AfmBOop17CDSHx4LHfRTIk5ufHiDd4g7t2GtMQ9rt8VXrSkzmvkGzT80</a>                                                                                                                                                                                               |
| 1047    | <i>U.S. Aesthetic Medicine Market Report (2024-2030)</i> , Grand View Research, <a href="https://www.grandviewresearch.com/industry-analysis/us-aesthetic-medicine-market-report">https://www.grandviewresearch.com/industry-analysis/us-aesthetic-medicine-market-report</a> (last visited Dec. 3, 2025)                                                                                                                                                                                                                     |
| 1048    | <i>U.S. Medical Aesthetics Market Size, Share, Trends and Forecast by Product, Application, End User, and Region, 2025-2033</i> , IMARC, <a href="https://www.imarcgroup.com/united-states-medical-aesthetics-market">https://www.imarcgroup.com/united-states-medical-aesthetics-market</a> (last visited Dec. 16, 2025)                                                                                                                                                                                                     |
| 1049    | Stifel Healthcare Conference Fireside Supplement (Nov. 2022)                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 1050    | <i>HydraFacial Device Patents</i> , HydraFacial, <a href="https://www.hydrafacial.com/pages/patents">https://www.hydrafacial.com/pages/patents</a> (last visited Dec. 11, 2025)                                                                                                                                                                                                                                                                                                                                               |
| 1051    | <i>The Beauty Health Company Introduces New Digitally Connected HydraFacial Syndeo Delivery System</i> , Business Wire (Mar. 7, 2022), <a href="https://www.businesswire.com/news/home/20220307005580/en/">https://www.businesswire.com/news/home/20220307005580/en/</a>                                                                                                                                                                                                                                                      |

| Exhibit | Description                                                                                                                                                                                                                                                                                                                                                                                 |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1052    | <i>U.S. Patent No. 11,865,287B2</i> , Google Patents, <a href="https://patents.google.com/patent/US11865287B2">https://patents.google.com/patent/US11865287B2</a> (last visited Dec. 15, 2025)                                                                                                                                                                                              |
| 1053    | <i>The Beauty Health Company Reports Strong First Quarter 2022 Financial Results</i> , Business Wire (May 10, 2022), <a href="https://www.businesswire.com/news/home/20220510005629/en/">https://www.businesswire.com/news/home/20220510005629/en/</a>                                                                                                                                      |
| 1054    | <i>Beauty Health Co (SKIN) Q4 2022 Earnings Call Transcript</i> , Seeking Alpha (Feb. 28, 2023), <a href="https://seekingalpha.com/article/4582967-beauty-health-co-skin-q4-2022-earnings-call-transcript">https://seekingalpha.com/article/4582967-beauty-health-co-skin-q4-2022-earnings-call-transcript</a>                                                                              |
| 1055    | <i>HydraFacial MD Brochure</i> , Edge Systems (2010)                                                                                                                                                                                                                                                                                                                                        |
| 1056    | Video of <i>Inventing Your Success with Emily June Wilcox and Roger Ignon</i> , YouTube (Sep. 26, 2023), <a href="https://www.youtube.com/watch?v=5EdlID6q8r4">https://www.youtube.com/watch?v=5EdlID6q8r4</a>                                                                                                                                                                              |
| 1057    | <i>Beauty Health Co (SKIN) Q1 2021 Earnings Call Transcript</i> , Seeking Alpha (May 13, 2021), <a href="https://seekingalpha.com/article/4428473-the-beauty-health-companys-skin-ceo-clint-carnell-on-q1-2021-results-earnings-call-transcript">https://seekingalpha.com/article/4428473-the-beauty-health-companys-skin-ceo-clint-carnell-on-q1-2021-results-earnings-call-transcript</a> |
| 1058    | U.S. Patent No. 6,299,620                                                                                                                                                                                                                                                                                                                                                                   |
| 1059    | <i>U.S. Patent No. 6,299,620B1</i> , Google Patents, <a href="https://patents.google.com/patent/US6299620B1">https://patents.google.com/patent/US6299620B1</a> (last visited Dec. 15, 2025)                                                                                                                                                                                                 |
| 1060    | <i>Skintuition Report</i> , BeautyHealth (2024)                                                                                                                                                                                                                                                                                                                                             |
| 1061    | <i>HydraFacial, an Experiential Beauty Health Company, and Vesper Healthcare Announce Business Combination</i> , Business Wire (Dec. 9, 2020)                                                                                                                                                                                                                                               |
| 1062    | <i>HydraFacial and Vesper Healthcare Announce Closing of Business Combination, Combined Company Will be Known as The Beauty Health Company</i> , Business Wire (May 5, 2021), <a href="https://www.businesswire.com/news/home/20210505005154/en/">https://www.businesswire.com/news/home/20210505005154/en/</a>                                                                             |
| 1063    | <i>HydraFacial Announces Record First Quarter Fiscal 2021 Preliminary Net Sales</i> , Business Wire (Apr. 21, 2021)                                                                                                                                                                                                                                                                         |
| 1064    | U.S. Patent No. 6,641,591                                                                                                                                                                                                                                                                                                                                                                   |
| 1065    | U.S. Patent No. 7,678,120                                                                                                                                                                                                                                                                                                                                                                   |
| 1066    | U.S. Patent No. 7,789,886                                                                                                                                                                                                                                                                                                                                                                   |
| 1067    | U.S. Patent No. 8,066,716                                                                                                                                                                                                                                                                                                                                                                   |

| Exhibit | Description                                                                                                                                                                                 |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1068    | U.S. Patent No. 8,337,513                                                                                                                                                                   |
| 1069    | <i>U.S. Patent No. 6,641,591B1</i> , Google Patents, <a href="https://patents.google.com/patent/US6641591B1">https://patents.google.com/patent/US6641591B1</a> (last visited Dec. 15, 2025) |
| 1070    | <i>U.S. Patent No. 7,678,120B2</i> , Google Patents, <a href="https://patents.google.com/patent/US7678120B2">https://patents.google.com/patent/US7678120B2</a> (last visited Dec. 15, 2025) |
| 1071    | <i>U.S. Patent No. 7,789,886B2</i> , Google Patents, <a href="https://patents.google.com/patent/US7789886B2">https://patents.google.com/patent/US7789886B2</a> (last visited Dec. 15, 2025) |
| 1072    | <i>U.S. Patent No. 8,066,716B2</i> , Google Patents, <a href="https://patents.google.com/patent/US8066716B2">https://patents.google.com/patent/US8066716B2</a> (last visited Dec. 15, 2025) |
| 1073    | <i>U.S. Patent No. 8,337,513B2</i> , Google Patents, <a href="https://patents.google.com/patent/US8337513B2">https://patents.google.com/patent/US8337513B2</a> (last visited Dec. 15, 2025) |
| 1074    | <i>Consumer Price Index for All Urban Consumers (CPI-U) Original Data Value (2005-2023)</i> , Bureau of Labor Statistics (generated on Dec. 15, 2025)                                       |
| 1075    | Richard A. Brealey, Stewart C. Myers, & Franklin Allen, <i>Principles of Corporate Finance</i> 2 (12th ed. 2016).                                                                           |
| 1076    | Thomas Sowell, <i>Basic Economics</i> 171(5th ed. 2015)                                                                                                                                     |
| 1077    | Jeffrey M. Perloff, <i>Microeconomics</i> 397, 534 (1999)                                                                                                                                   |
| 1078    | Dennis W. Carlton & Jeffrey M. Perloff, <i>Modern Industrial Organization</i> 12 (4th ed. 2005)                                                                                             |
| 1079    | <i>Edge Sys. LLC v. Image MicroDerm Inc.</i> , No. 2:17-cv-8699, ECF No. 1, Complaint for Patent Infringement (C.D. Cal. Dec. 1, 2017)                                                      |
| 1080    | <i>Edge Sys. LLC v. Image MicroDerm Inc.</i> , No. 2:17-cv-8699, ECF No. 81, Final Consent Judgment of Willful Infringement and Permanent Injunction (C.D. Cal. May 23, 2019)               |
| 1081    | U.S. Patent No. 7,658,742                                                                                                                                                                   |
| 1082    | U.S. Provisional Application No. 60/755,310                                                                                                                                                 |
| 1083    | U.S. Provisional Application No. 60/764,668                                                                                                                                                 |
| 1084    | Christopher Morris, <i>Academic Press Dictionary of Science and Technology</i> (1992)                                                                                                       |
| 1085    | Transcript of Deposition of Pallavi Seth, Ph.D. (November 3, 2025)<br>[CONFIDENTIAL]                                                                                                        |

| Exhibit | Description                                                                                                                                                                                                                                                                                   |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1086    | Transcript of Deposition of Vipul Savsani (November 11, 2025)<br>[ <b>CONFIDENTIAL</b> ]                                                                                                                                                                                                      |
| 1087    | Non-Final Rejection of Application No. 16/517,268 (Mar. 22, 2021)                                                                                                                                                                                                                             |
| 1088    | Final Rejection of Application No. 14/698,673 (Mar. 7, 2016)                                                                                                                                                                                                                                  |
| 1089    | <i>Certain Hydrodermabrasions Sys. &amp; Components Thereof</i> , Inv. No. 337-TA-1408, Order No. 29, Construing Certain Terms of the Asserted Claims ( <i>Markman</i> Claim Construction) (Mar. 14, 2025)                                                                                    |
| 1090    | <i>Certain Hydrodermabrasions Sys. &amp; Components Thereof</i> , Inv. No. 337-TA-1408, Order No. 32, Construing Remaining Disputed Claim Term (Mar. 19, 2025)                                                                                                                                |
| 1091    | <i>Certain Hydrodermabrasions Sys. &amp; Components Thereof</i> , Inv. No. 337-TA-1408, Order No. 50, Explanation of Claim Terms Construed in Order Nos. 29 & 32 (June 11, 2025)                                                                                                              |
| 1092    | <i>Edge Sys., LLC v. Aguila</i> , No. 14-cv-24517-KMM, ECF No. 13-4, Declaration of William Cohen (S.D. Fla. Dec. 1, 2014)                                                                                                                                                                    |
| 1093    | <i>Edge Sys., LLC v. Aguila</i> , No. 14-cv-24517-KMM, ECF No. 55, Preliminary Injunction Hearing Transcript (S.D. Fla. Dec. 19, 2014)                                                                                                                                                        |
| 1094    | Declaration of Jeffrey A. Stec, Ph.D. [ <b>CONFIDENTIAL</b> ]                                                                                                                                                                                                                                 |
| 1095    | Declaration of Henry A. Adeleye                                                                                                                                                                                                                                                               |
| 1096    | Errata to November 3, 2025 Deposition of Pallavi Seth, Ph.D.<br>[ <b>CONFIDENTIAL</b> ]                                                                                                                                                                                                       |
| 1097    | Declaration of George T. Scott [ <b>SUPPLEMENTAL EVIDENCE-NOT FILED</b> ][Previously designated EX1029]                                                                                                                                                                                       |
| 1098    | <i>Certain Hydrodermabrasions Sys. &amp; Components Thereof</i> , Inv. No. 337-TA-1408, Commission’s Final Determination Finding a Violation of Section 337; Issuance and Suspension of Limited Exclusion Order and Cease and Desist Order; Termination of the Investigation (March 23, 2026) |

Following the ITC’s March 23, 2026 termination of Investigation No. 1408 and its rare suspension of enforcement of the remedial orders in that case due entirely to the March 29, 2026 expiration of the ’287 patent (EX1098), the ITC Respondents will enjoy unfettered ability to contest the validity of the ’287 patent in their district court litigation against Patent Owner—including based on the same prior art references they used at the ITC.

This ITC action has been unique from the start.<sup>1</sup> Because it was known from the outset that the ITC could not provide meaningful relief given the impending expiration of the ’287 patent, it is hardly surprising that the ITC Respondents failed to fully litigate patent validity and even waived important arguments as discussed in Petitioner’s motion for reconsideration (Paper 42, 4-5). The ITC’s decision, based on a record that Patent Owner concedes was incomplete,<sup>2</sup> does not represent

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<sup>1</sup> While ITC rulings do not have preclusive effect, *Hyosung TNS Inc. v. Int’l Trade Comm’n*, 926 F.3d 1353, 1358-59 (Fed. Cir 2019), Petitioners are not seeking a broad exception for all ITC cases. Rather, based on the near-complete stage of this IPR, coupled with the incomplete ITC record and looming re-litigation of all issues across different courts by unrelated parties, that a holistic approach weighs strongly in favor of IPR completion. *See also Revision to Rules of Practice Before the Patent Trial and Appeal Board*, 90 Fed. Reg. 48335, 48341 (proposed Oct. 17, 2025) (agency preliminary rule proposal recognizing unusual circumstances exception to one and done).

<sup>2</sup> Patent Owner concedes that the ITC case “involved different briefing choices, different waiver positions, and an incomplete record on certain merits questions.” Paper 43, 3

a meaningful prior assessment (a “one and done” assessment) of the validity of the ’287 patent claims.

This IPR, by contrast, would be a meaningful assessment of the ’287 patent’s validity because Petitioners have the appropriate motivation to fully litigate the ’287 patent claims’ patentability over the prior art references relied upon herein and have been doing exactly that for well over a year before the agency. Thus, this IPR, unlike the ITC case,<sup>3</sup> can provide the nearest-term “one and done” validity assessment and can do so efficiently given the advanced stage of the IPR proceeding and the resources already invested by the parties and the agency. By contrast, it would be highly inefficient to de-institute and thus set aside this IPR, with its near-complete record, particularly given that the agency already identified “material error” in the examination of similar claims of an ancestor patent in the same family as the ’287 patent. IPR2025-00445, Paper 14, 3. Doing so would force multiple unrelated parties to litigate the same patent, anew, across multiple district courts. Similar instances have been recognized as a worthwhile

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<sup>3</sup> Patent Owner does not contest that the ITC Respondents waived key technical arguments as well as key claim construction arguments, nor does Patent Owner muster any response to Petitioners’ explanation that the ITC ALJ’s nexus finding in her commercial success analysis was only possible because she was never presented with earlier, contradictory sworn testimony from the inventors (and co-founders). Paper 42, 5.

use of agency resources. *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 (Director, Nov. 5, 2025) (informative).

Further, the ITC Respondents appealed the termination decision to the Federal Circuit on March 26, presumably for the purpose of making all underlying orders and findings not only practically moot, but formally vacated and thus legally void *ab initio* in any event. The Federal Circuit docketed the appeal on March 30, 2026 (Fed. Cir. Appeal No. 26-1582). The '287 patent expired on March 29, 2026. The Federal Circuit routinely vacates underlying ITC decisions rendered moot by patent expiration, and it is expected that such will be ordered either *sua sponte*, or more likely, by motion of the Respondents/Appellants in the near term. *Hyosung*, 926 F.3d at 1359; *INVT SPE LLC v. International Trade Comm'n*, 46 F.4th 1361, 1369-70 (Fed. Cir. 2022); *Tessera, Inc. v. Int'l Trade Comm'n*, 646 F.3d 1357, 1371 (Fed. Cir. 2011). Vacatur would, in turn, moot the grounds for the Director's Order. *Palo Alto Networks, Inc. v. Centripetal Networks, Inc.*, IPR2022-00182, Paper 75, 3-4 (Mar. 17, 2026).

Given that in this unique circumstance the ITC Respondents failed to fully litigate the validity issues, while in contrast the IPR record and proceedings are nearly complete, administrative efficiency and the public interest both weigh strongly in favor of the agency finalizing its existing work.

Respectfully submitted,

Date: April 3, 2026

/Scott A. McKeown/

Scott A. McKeown, Reg. No. 42,866

WOLF, GREENFIELD & SACKS, P.C.

*Counsel for Petitioners*

**CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (E)(4)**

I certify that on April 3, 2026, a copy of the foregoing document, including any exhibits filed therewith, is being served via electronic mail, as previously consented to by Patent Owner, upon the following:

|                     |                                                                                                          |
|---------------------|----------------------------------------------------------------------------------------------------------|
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| Benjamin J. Everton | <a href="mailto:ben.everton@morganlewis.com">ben.everton@morganlewis.com</a>                             |
| Benjamin B. Anger   | <a href="mailto:ben.anger@morganlewis.com">ben.anger@morganlewis.com</a>                                 |
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Date: April 3, 2026

/MacAulay Rush/  
MacAulay Rush  
Paralegal  
WOLF, GREENFIELD & SACKS, P.C